## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:23-cy-00259-KDB

KERRY ADAM SHINE, JR.,	)	
Plaintiff,	)	
VS.	)	<u>ORDER</u>
JOSH STEIN, et al.,	)	
Defendants.	)	

**THIS MATTER** is before the Court on review of the docket in this matter.

Pro se Plaintiff Kerry Shine ("Plaintiff") filed this action on May 1, 2023, pursuant to 42 U.S.C. § 1983. [Doc. 1]. The Court conducted initial review of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2). [Doc. 11]. The Court found that Plaintiff failed to state a claim upon which relief can be granted and allowed Plaintiff thirty (30) days from July 12, 2023, to amend his Complaint in accordance with the terms of the Court's Order. [Id.]. The Court advised Plaintiff that if he failed to timely file an amended Complaint, this action would be dismissed without prejudice and without further notice to Plaintiff. [Id. at 7]. The Court also noted that it appeared that Plaintiff had been released from detention in Georgia but had failed to notify the Court of his current address. [Id. at 6]. As such, the Court ordered Plaintiff to notify the Court of his current address within 14 days of the Court's Order. [Id. at 7]. The Court similarly advised Plaintiff that this action would be dismissed without prejudice and without further notice if Plaintiff failed to timely so notify the Court. [Id. at 8]. On July 28, 2023, the Court's Order was returned as undeliverable with the envelope marked "Unable to Forward. RTS Not Here." [Doc. 12].

Both deadlines have passed, and Plaintiff has not filed an amended complaint or notified

the Court of his new address. The Court will, therefore, dismiss this action without prejudice.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's Complaint [Doc. 1] is dismissed without prejudice.

The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: August 22, 2023

Kenneth D. Bell

United States District Judge